REMARKS

This Amendment is filed in response to the Office Action dated August 14, 2006, which has a shortened statutory period set to expire November 14, 2006. An extension of time is requested, thereby allowing Applicant to respond by December 14, 2006.

Allowable Subject Matter

Applicant greatly appreciates the Examiner's indication of allowable subject matter. Specifically, Claims 7-10 and 17-20 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, because Applicant considers the base claims (Claims 1 and 11) to be patentable, Applicant has not amended these claims herein.

Claims 1-6, 11-16, And 25-27 Are Patentable Over U.S. Patent 5,978,452 (Cho)

Claim 1, as amended, recites in part:

determining whether a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message to the memory and a non-volatile storage.

Claim 11, as amended, recites in part:

computer readable code that determines if a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message to the memory and a non-volatile storage.

Claim 25, as amended, recites in part:

determining whether a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message only to non-volatile storage.

Applicant respectfully submits that Cho fails to disclose or suggest these limitations. The Office Action cites col. 4, lines 35-49 as teaching these limitations. However, this passage merely teaches that an overflow of voice messages can be sent from a voice message memory 130 to an auxiliary memory such as a hard disk of the PC 138 for storage. Thus, apparently, if the <u>maximum storage limit of the voice message memory</u> 130 is reached, then Cho teaches using the hard disk of PC 138.

Because this passage does not teach determining if the number of bytes of the message exceeds a predetermined threshold <u>of bytes set for a message</u>, Applicant requests reconsideration and withdrawal of the rejection of Claims 1, 11, and 25.

Moreover, Applicants note that if the maximum storage limit of the voice message memory 130 is reached, then Cho could not write the message to memory <u>and</u> a non-volatile storage, as recited in Claims 1 and 11. Because Cho teaches away from this limitation, Applicant requests further reconsideration and withdrawal of the rejection of Claims 1 and 11.

Claims 2-6 depend from Claim 1 and therefore are patentable for at least the reasons presented for Claim 1. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 2-6. Claims 12-16 depend from Claim 11 and therefore are patentable for at least the reasons presented for Claim 11. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 12-16. Claims 26-27 depend from Claim 25 and therefore are patentable for at least the reasons presented for Claim 25. Based on those

reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 26-27.

Claims 1-6, 11-16, And 25-27 Are Patentable Over U.S. Patent 5,974,414 (Stanczak)

Claim 1, as amended, recites in part:

determining whether a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message to the memory and a non-volatile storage.

Claim 11, as amended, recites in part:

computer readable code that determines if a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message to the memory and a non-volatile storage.

Claim 25, as amended, recites in part:

determining whether a number of bytes of the message exceeds a predetermined threshold of bytes set for a message, wherein if not, then writing the message only to a memory, and wherein if so, then writing the message only to non-volatile storage.

Applicant respectfully submits that Stanczak fails to disclose or suggest these limitations. The Office Action cites the Abstract, FIGS. 4 and 5, col. 5, lines 13-24, and col. 8, lines 17-26, and 46-65 as teaching these limitations.

Regarding the Abstract: The Abstract teaches that digitally-encoded messages (DEMs) can be routed to the most desired route. This routing teaches nothing about determining whether a number of bytes of a message exceed a predetermined threshold of bytes set for a message, much less writing the

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message only to memory or to memory and non-volatile storage or only to non-volatile storage based on the step of determining.

Regarding FIG. 4 and col. 5, lines 13-24: FIG. 4 is a schematic of an automated message distribution (AMD) system. Col. 3, line 43. As taught in col. 5, lines 13-24, a digital message queue (DMQ) 415 of this AMD system includes a high-priority queue 420 and a low-priority queue 422. Neither the DMQ nor the AMD system teaches anything about determining whether a number of bytes of a message exceed a predetermined threshold of bytes set for a message, much less writing the message only to memory or to memory and non-volatile storage or only to non-volatile storage based on the step of determining.

Regarding col. 8, lines 17-26, 46-65: Col. 8, lines 17-26 teach that one or more queue depth thresholds can be set. The thresholds correspond to the number of digitally-encoded messages (DEMs) that are stored in the DMQ 415. Col. 8, lines 46-65 teach that if the number of DEMs stored in the DMQ reaches the overflow threshold, then a message indicative of this condition is written to a system log file and/or a system printer. An overflow condition indicates that the number of DEMs entering the AMD system is too great to be handled by the primary and second users current assigned to process the incoming messages. Therefore, once again, neither the DMQ nor the AMD system teaches anything about determining whether a number of bytes of the message exceed a predetermined threshold of bytes set for a message, much less writing the message only to memory or to memory and non-volatile storage or only to non-volatile storage based on the step of determining.

Because Stanczak fails to disclose or suggest determining whether a number of bytes of the message exceed a predetermined threshold of bytes set for a message, much less writing the message only to memory or to memory and non-volatile storage or

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only to non-volatile storage based on the step of determining, Applicant requests reconsideration and withdrawal of the rejection of Claims 1, 11, and 25.
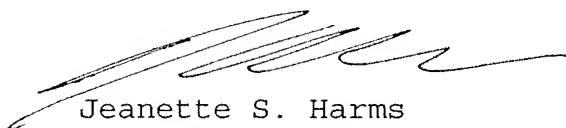
Claims 2-6 depend from Claim 1 and therefore are patentable for at least the reasons presented for Claim 1. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 2-6. Claims 12-16 depend from Claim 11 and therefore are patentable for at least the reasons presented for Claim 11. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 12-16. Claims 26-27 depend from Claim 25 and therefore are patentable for at least the reasons presented for Claim 25. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 26-27.

CONCLUSION

Claims 1-20 and 25-27 are pending in the present application. Allowance of these claims is respectfully requested.

If there are any questions, please telephone the undersigned at 408-451-5907 to expedite prosecution of this case.

Respectfully submitted,

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